

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

TRACY R. TURNER, )  
)  
*Plaintiff,* )  
-vs- )  
)  
METROPOLITAN GOVERNMENT OF ) Case No. 3:21-CV-00042  
NASHVILLE AND DAVIDSON )  
COUNTY, ) Judge Eli J. Richardson  
)  
*Defendant.* )

**PLAINTIFF TRACY TURNER'S BRIEF ON DAMAGES**

Comes now Plaintiff, Tracy R. Turner, by and through his undersigned counsel of record and respectfully submits this Brief on Damages.

**I. Economic Damages.**

Plaintiff seeks economic damages in differential earnings arising out of his demotion from the rank of Captain to that of Firefighter 2 on August 16, 2020, until his rank was restored on February 16, 2021, as follows:

Loss of Earnings:

Total earnings during 6-month period prior  
to demotion effective on August 16, 2020.....\$44,853.91

Total earnings during 6-month period following  
demotion until reinstatement on February 16, 2021 .....\$37,400.69

Differential in earnings .....\$7,453.91<sup>1</sup>

<sup>1</sup> **Source:**

Defendant's Response to Plaintiff's Request for Documents No. 16, and the following Bates Stamped documents provided by the Defendant in response to discovery:

Bates # MG 000530 is a statement of Average Earnings from September of 2016 to August of 2021. Line items 43 – 48 on this Exhibit shows Plaintiff's total earnings for the six-month period preceding his demotion (March – August, 2020) was \$44,853.91. Plaintiff's total earnings during the six-month period of his demotion as shown in Line items 49-54 on this Exhibit (September of 2020 – February of 2021) was \$37,400.69. The differential between these two figures is \$7,453.91.

## **II. Compensatory Damages:**

Plaintiff seeks compensatory damages for emotional injuries for mental anguish, embarrassment, injury to reputation and humiliation in an amount to be determined by the jury.

### **Authorities:**

*Benson v. City of Wellston*, 201 Fed.Appx. 350, 353, 2006 WL 3154855, at \*3 (6<sup>th</sup> Cir. 2006) (“Damages must be established to a reasonable certainty, but the existence of some uncertainty as to the amount of damages does not foreclose recovery. Citing *Broan Mfg. Co., Inc. v. Associated Distribs., Inc.*, 923 F.2d 1232, 1236 (6<sup>th</sup> Cir.1991). “It has long been recognized that once the fact of damage has been properly shown, uncertainty as to their amount will not foreclose recovery.” *Blue Diamond Coal Co. v. United Mine Workers of Am.*, 436 F.2d 551, 561 (6<sup>th</sup> Cir.1970) (citations and internal quotations omitted).

Respectfully submitted,



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### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Plaintiff's Brief on Damages was served via the Court's ECF-filing system on the following individuals listed below on this the 20<sup>th</sup> day of January, 2025.

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